IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE EIGHTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE V.ESWARAIAH

-

WRIT PETITION NO : 9284 of 2004

Between:

Syed Mohd. Abdul Wasey S/o Late Syed Mohd. Abdul Khadeer Nurani Pasha
19-1-1048, Dareecha Bawaheer, Kamatipura, Hyderabad

..... PETITIONER

AND

The Chief Executive Officer AP. State Wakf Board
Haj House, OPP: Public Garden, Nampally, Hyderabad

.....RESPONDENT

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus, declaring the eviction order issued by the respondent in the proceedings No. m5/32/Port/Hyd/2003, dt. 4/05/2004 as illegal, arbitrary, and violative of principles of natural justice and consequently direct the respondent not to evict the petitioner and his family members.

Counsel for the Petitioner: MR.KOWTURU VINAYA KUMAR

Counsel for the Respondent No.: MR.A.M.QURESHI (SC FOR AP WAKF BOARD)

The Court made the following :

ORDER:

The petitioner questions the order of the respondent dated 4.5.2004. The respondent passed the said order in exercise of powers conferred on him under Section 54(3) of Wakf Act 1995 and ordered the petitioner and other legal representatives of late Syed Khadeer Noorani to be removed from the encroachments and to take over possession from the premises bearing No.19-1-1048 situate at Dareecha Bawaheer, Kamatipura, Hyderabad.

Any person aggrieved by the orders made under Section 54(3) of Wakf Act is entitled to institute a suit in Wakf Tribunal, which was already constituted, to establish his right, title and interest in the land, building, space or other property. In view of the aforesaid effective alternative remedy available to the petitioner under Section 54(4) of the Act, I am of the opinion that the petitioner is not entitled for the relief under Article 226 of the Constitution of India.

The writ petition is, accordingly, dismissed with liberty to the petitioner to approach the Wakf Tribunal. No order as to costs.

(V.ESWARAIAH, J.)

8.4.2005

kpr

TO

1. The Chief Executive Officer AP. State Wakf Board
   Haj House, OPP: Public Garden, Nampally, Hyderabad.

2. 2 C.D. copies